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JUNJI SUZUKI (SBN 184738)
 junji@marshallsuzuki.com
 MARSHALL SUZUKI LAW GROUP, LLP
 230 California Street, Suite 415
 San Francisco, CA 94111
 Telephone: (415) 618-0090
 Facsimile: (415) 618-0190
 Attorney for Applicant,
 Medical Corporation H&S

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 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

VKD

In re Ex Parte Application of

CV-19-80186MISC

Case No:

MEDICAL CORPORATION H&S,

Applicant.

) DECLARATION OF YUICHI
) NAKAZAWA IN SUPPORT OF EX
) PARTE APPLICATION FOR ORDER
) PURSUANT TO 28 U.S.C. § 1782
) PERMITTING DISCOVERY FOR USE IN
) FOREIGN PROCEEDING

BY FAX

I, Yuichi Nakazawa, declare as follows:

1. I am an attorney duly licensed to practice law in Japan. I am a partner at Toda Sogo Law Office, a legal professional corporation organized and existing under the laws of Japan. Applicant, Medical Corporation H&S ("MCHS"), a medical corporation organized and existing under the laws of Japan, retained me and my firm to initiate a civil lawsuit against those liable for defamation and unlawful business interference under Japanese law as soon as their identities have been ascertained through discovery.
2. I have personal knowledge of each matter stated herein.
3. I submit this declaration in support of MCHS's Ex Parte Application for Order Pursuant to 28 U.S.C. § 1782 (the "Application").

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In re Ex Parte Application of Medical Corporation H&S

Declaration of Yuichi Nakazawa in Support of Ex Parte Application for Order pursuant to 28 U.S.C. § 1782
 Permitting Discovery for Use in Foreign Proceeding

- 1 4. MCHS has been operating a dental clinic under the name of "Shonen Dental Clinic"
2 ("松年歯科クリニック" or "松年歯科" in Japanese) in Nagoya, Japan since March of
3 2002. In June of 2019, multiple reviews described in Exhibit A attached hereto (the
4 "Subject Reviews") were posted on the Google Map review page concerning "Shonen
5 Dental Clinic" through two different Google Accounts whose display names are "A H"
6 and "hiro izumi", respectively (collectively the "Subject Google Accounts"). Exhibit A
7 is a true and correct copy of the Subject Reviews on the review page as of July 9, 2019.
8 The Subject Reviews were posted with one-star ratings and offensive comments. Based
9 on my investigation into this matter which included interviewing MCHS personnel and
10 reviewing pertinent records, all the comments constitute defamation and/or unlawful
11 business interference under Japanese law.
- 12 5. Considering the facts above, it is my opinion as a Japanese lawyer that the Subject
13 Reviews were posted for harassment purposes and constitute defamation and unlawful
14 business interference under Japanese law.
- 15 6. Therefore, MCHS intends to bring a lawsuit in Japan against the person(s) associated
16 with the Subject Google Accounts as soon as the person(s)' identities have been
17 ascertained through the discovery sought by the Application.
- 18 7. In order to identify the person(s) who committed unlawful acts against MCHS through
19 the Subject Google Accounts, it is crucial for MCHS to obtain the information relevant
20 thereto. In particular, the information relating to the Subject Google Accounts, as
21 specified in the proposed subpoena concurrently filed with the Application, would be
22 critical and highly relevant in identifying the perpetrators. Obviously, access logs when
23 the Subject Reviews were posted and access log for each login are highly relevant and
24 necessary, but some or all of them may be unavailable because records of older access
25 are generally erased after a short period of time (usually 3 to 6 months), in which case
26 subsequent access logs after the Subject Reviews were posted will become highly
27 relevant and necessary for MCHS.
- 28

1 8. The Subject Google Accounts are maintained by Google¹, located in Mountain View,
2 California². Google is not a party to the anticipated Japanese lawsuit described above.

3 9. I am not aware of any restrictions imposed by or any policies under Japanese law
4 limiting the proof-gathering proceeding in the manner proposed and for the purposes
5 stated herein and in the Application.

6 10. Based on the above, the documents sought from Google are highly relevant to MCHS's
7 anticipated Japanese lawsuit and are narrowly tailored and limited to the discovery
8 materials related to the Subject Google Accounts through which the identities of the
9 defendants to the anticipated Japanese lawsuit could be ascertained and nothing further.

10 I declare under penalty of perjury under the laws of the United States that the foregoing
11 is true and correct.

12
13 Dated: July 16th, 2019

By: 中澤 佑一
Yuichi Nakazawa

14
15 ¹ <https://about.google/intl/en/products/>.

16 ² <https://about.google/intl/en/locations/>.

Exhibit A

松年歯科

日本、愛知県名古屋市中川区昭和橋通4-18

クチコミを書く

3.4 ★★★★★ 33 件のレビュー

並び替え: 新規順



AH

ローカルガイド・16 件のレビュー

★★★★★ 3 週間前

妊婦は断るようです。

他の歯医者でやってもらえた治療も妊婦だからと電話の時点で突っぱねられました。

近くだから通おうと思ったのに残念。



いいね



hiro izumi

6 件のレビュー

★★★★★ 1 か月前

星1つもつけたくない。

抜歯して数日間苦しみました。薬もきれて、頬は腫れ上がり、次の予約まで我慢できなくて電話しました。

受付の人は先生に伝えてましたが、答えは、(薬もだしてるので出せません。紹介状を書くので他の病院で診てもらってください。) ... もっと見る



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